3/21/72

Dear Howard,

I did not expect to be writing you twice the same day, but I've just gotten confirmation of something I've expected that in its own way addresses what is inherent in my earlier letter,, from before I went outside to work. It is a serious problem we have that almost nobody will face and few do honestly.

Bud testified before t e Freedom of Information subcommittee of the House yesterday. He has known for a month or more that he would and the date. We have been in touch fairly often, including by phone and as recently as a couple of days ago. He has yet to tell me he was going to testify. Before going further, stop long enough to ask yourself why he should be so anxious to keep this secret from me.

Now I'll tell you. Because he testified about my suits. Now I don't really care that he did, and I don't really care that he did without consulting me. They do happen to be my suits. What I care about is the ethics of the whole think and the inevitable messing up of what could have been a very good and very newsworthy thing. And the indulgence of an ego that, for all the enromous waste of money designed to give it a legitimate basis for pride, has yet to produce anything.

Understand, I could have stop ed this, I could have insisted that he not discuss my suits, etc. I didn't. I haven't mentioned a word of it and I don't expect to. But because he is dying to have some kudos, he blew what could have been a significant thing, esp. at this time. He made a few casyal references to my suit for the Ray material, but not enough to do any good and with such propriety that it couldn't. With Kleindienst in the news today the way he is and what that suit says about him?

I wrote the chairman of that subcommittee about a week ago. I did not know if I'd hear from him. My own feeling is that the members of that committee are looking for a bit of personal publicity that will make them look like champions of freedom but they are really scared of many things, including bad revision of the law. I take their silence, failure to acknolwedge my letter, as confirmation of this.

The reality is that all that Bud had to do with that case is the filing of the complaint. All the real work I did. Jim may, in fact, have drafted the complaint itself, a simple matter. The thinking was mine, the letters that did the job, etc. Even the summary judgement. Bud wasn't even in town then. I called up the night beofre the morning we appeared in court, got his partner on the phone, asked him to draft a motion for a summary judgement and appear with me in court the next a.m., the first after the time the judge set for production of what was withheld, and, as I figured, those arrognant bastards were not even there to offer an apology and the rarity of the summary judgement became an automatic reality. So, what was there for Bud to testify about? Or to put this another way, what was there for him to testify to? Do you think he said that Kliendienst is ax liar, that in order to frustrate the will of Congress he would lie, that he would ignore the order of a federal court, that perjury would be permitted if not ordered in his name and that when it was called to his attention he was silent? These are a few of the unquestionable facts. If I do not think they would have been welcomed by the committee. I also point out that there has been no mention of the hearings in the press. And today Kleindienst and his honesty and integrity are very much in the news.

If my objection were to "credit", I could have been there. If my intent would have been personal publicity, if the press was there I'd have had it. Perhaps even if they are not. I had and had no such interests, nor are they the subjectof a complaint about which I write you. I a trying to give you an understanding of what is responsible for so much of what is amde to appear as something else af so much that goes on inside the critical community. It is but a case in point. It is a virsu as common as the cold. Thatwe have survived it to the degree we have is the real marvel.

So, I repeat don't get yourself involved, but do your own thinking. Best,